

CA 5  
6/14/18  
10:00

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPH GARCIA,

Plaintiff,

-v-

COUNTY OF WESTCHESTER, et al.,

Defendants.

Case No. 11-CV-7258 (KMK)

YVES DELPECHE,

Plaintiff,

-v-

COUNTY OF WESTCHESTER, et al.,

Defendants.

Case No. 11-CV-7260 (KMK)

MARTIN LAROCHE,

Plaintiff,

-v-

COUNTY OF WESTCHESTER, et al.,

Defendants.

Case No. 11-CV-7261 (KMK)

REBECCA GALLO,

Plaintiff,

Case No. 11-CV-7262 (KMK)

-v-

COUNTY OF WESTCHESTER, et al.,

Defendants.

DANIEL PARKER,

Plaintiff,

Case No. 11-CV-7264 (KMK)

-v-

COUNTY OF WESTCHESTER, et al.,

Defendants.

DESMOND HINDS,

Plaintiff,

Case No. 11-CV-7265 (KMK)

-v-

COUNTY OF WESTCHESTER, et al.,

Defendants.

JOSEPH ROMANICK,

Plaintiff,

Case No. 11-CV-7267 (KMK)

-v-

COUNTY OF WESTCHESTER, et al.,

Defendants.

**VERDICT FORM**

*Read each question below carefully, beginning with Question 1.*

**Plaintiff Desmond Hinds' Claims**

**Section I**

**Assault Claim Against Defendant Hess**

- 1) Do you find, by a preponderance of the evidence, that Defendant Aaron Hess intended to place Desmond Hinds in fear of imminent bodily injury?

*Choose only one answer.*

Yes: ✓ No: \_\_\_\_\_

*If you answered "Yes" to Question 1, please proceed to Question 2. If you answered "No" to Question 1, please proceed to Section II.*

- 2) Do you find, by a preponderance of the evidence, that Defendant Aaron Hess, used an unreasonable amount of force under the circumstances?

*Choose only one answer.*

Yes: ✓ No: \_\_\_\_\_

*If you answered "No" to Question 2 please proceed to Section II. If you answered "Yes" to Question 2, please go to Question 3.*

**Damages Against Defendant Aaron Hess and the Village of Pleasantville**

- 3) If you answered "Yes" to Questions 1 and 2, you must now determine the amount of money that will compensate Plaintiff Desmond Hinds for the harm that he suffered based on the acts of Defendant Aaron Hess. In what amount do you award damages to Plaintiff Desmond Hinds as to his claims against Aaron Hess and the Village of Pleasantville?

\$ 150,000

*Please go to Section II.*

**Section II**

**Excessive Force Claim Against Defendant Jacobsen**

- 4) Do you find, by a preponderance of the evidence, that Defendant Justin Jacobsen used an unreasonable amount of force against Desmond Hinds under the circumstances at

the time of his arrest?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒

*If you answered "Yes" to Question 4, please proceed to Question 5. If you answered "No" to Question 4, please proceed to Question 6.*

- 5) Do you find, by a preponderance of the evidence, that Defendant Justin Jacobsen's use of force proximately caused injury to Desmond Hinds?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*Please go to Question 6.*

**Assault and Battery Claims Against Defendant Jacobsen**

- 6) Do you find, by a preponderance of the evidence, that Defendant Justin Jacobsen committed an assault against Desmond Hinds?

*Choose only one answer.*

Yes: ☒ No: \_\_\_\_\_

*Please go to Question 7.*

- 7) Do you find, by a preponderance of the evidence, that Defendant Justin Jacobsen committed a battery against Desmond Hinds?

*Choose only one answer.*

Yes: ☒ No: \_\_\_\_\_

*Please go to Question 8.*

**False Arrest Claim Against Defendant Jacobsen**

- 8) Do you find, by a preponderance of the evidence, that Defendant Justin Jacobsen falsely arrested Desmond Hinds?

*Choose only one answer.*

Yes: ☒ No: \_\_\_\_\_

*If you answered "Yes" to Question 8, please proceed to Question 9. If you answered "No" to Question 8, please proceed to Question 10.*

- 9) Do you find, by a preponderance of the evidence, that Defendant Justin Jacobsen's false arrest of Desmond Hinds proximately caused injury to Desmond Hinds?

*Choose only one answer.*

Yes: ✓ No: \_\_\_\_\_

*If you answered "No" to questions 4, 5, 6, 7, 8, and 9 please proceed to Question 11. If you answered "Yes" to any or all of questions 4, 5, 6, 7, 8, or 9 please go to Question 10.*

**Damages Against Defendant Justin Jacobsen and the Town of Mount Pleasant**

- 10) If you answered "Yes" to Questions 4, 5, 6, 7, 8, or 9 you must now determine the amount of money that will compensate Plaintiff Desmond Hinds for the harm that he suffered based on the acts of Defendant Justin Jacobsen.

If you have answered "Yes" to questions 8 and 9, in what amount do you award damages to Plaintiff Desmond Hinds against Justin Jacobsen and the Town of Mount Pleasant for his false arrest claim? If you have answered "Yes" only to question 8, you must award nominal damages in an amount not to exceed one dollar.

\$ 25,000

If you have answered "Yes" to questions 8 and 9, and/or 6 and/or 7, in what amount do you award damages to Plaintiff Desmond Hinds against Justin Jacobsen and the Town of Mount Pleasant for his assault and battery claims?

\$ 25,000

If you have answered "Yes" to questions 4 and 5, in what amount do you award damages to Plaintiff Desmond Hinds against Justin Jacobsen for his excessive force claim? If you have answered "Yes" only to question 4, you must award nominal damages in an amount not to exceed one dollar.

\$ \_\_\_\_\_

*Once you have determined both amounts of damages due to Desmond Hinds, please proceed to Question 11.*

**Plaintiff Daniel Parker's Claims**

**Excessive Force Claim Against Defendant Bosan**

11) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan used an unreasonable amount of force against Daniel Parker under the circumstances at the time of his arrest?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒

*If you answered "Yes" to Question 11, please proceed to Question 12. If you answered "No" to Question 11, please proceed to Question 13.*

12) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan's use of force proximately caused injury?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*Please go to Question 13.*

**Assault and Battery Claims Against Defendant Bosan**

13) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan committed an assault against Daniel Parker?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒

*Please go to Question 14.*

14) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan committed a battery against Daniel Parker?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒

*Please go to Question 15.*

**False Arrest Claim Against Defendant Bosan**

15) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan falsely arrested Daniel Parker?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒

*If you answered "Yes" to Question 15, please proceed to Question 16. If you answered "No" to Question 15, please proceed to Question 17.*

16) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan's false arrest of Daniel Parker proximately caused injury to Daniel Parker?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*Please go to Question 17.*

**Malicious Prosecution Claim Against Defendant Bosan**

17) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan prosecuted Daniel Parker without probable cause?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒

*If you answered "Yes" to Question 17, please proceed to Question 18. If you answered "No" to Question 17, please proceed to Question 20.*

18) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan acted with malice in prosecuting Daniel Parker?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*If you answered "Yes" to Question 18, please proceed to Question 19. If you answered "No" to Question 18, please proceed to Question 20.*

19) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan's prosecution of Daniel Parker proximately caused injury to Daniel Parker?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

***If you answered "No" to questions 11, 12, 13, 14, 15, 16, 17, 18, and 19 please proceed to Question 21. If you answered "Yes" to any or all of questions 11, 12, 13, 14, 15, 16, 17, 18, or 19 please go to Question 20.***

**Damages Against Defendant Brian Bosan and the County of Westchester**

20) If you answered "Yes" to Questions 11, 12, 13, 14, 15, 16, 17, 18, or 19 you must now determine the amount of money that will compensate Plaintiff Daniel Parker for the harm that he suffered based on the acts of Defendant Brian Bosan.

If you have answered "Yes" to questions 15 and 16, in what amount do you award damages to Plaintiff Daniel Parker against Brian Bosan and the County of Westchester for his false arrest claim? If you have answered "Yes" only to question 15, you must award nominal damages not to exceed one dollar.

\$ \_\_\_\_\_

If you have answered "Yes" to questions 15 and 16, and/or 13 and/or 14, in what amount do you award damages to Plaintiff Daniel Parker against Brian Bosan and the County of Westchester for his assault and battery claims?

\$ \_\_\_\_\_

If you have answered "Yes" to questions 11 and 12, in what amount do you award damages to Plaintiff Daniel Parker against Brian Bosan for his excessive force claim? If you have answered "Yes" only to question 11, you must award nominal damages not to exceed one dollar.

\$ \_\_\_\_\_

If you have answered "Yes" to questions 17, 18, and 19, in what amount do you award damages to Plaintiff Daniel Parker against Brian Bosan and the County of Westchester for his malicious prosecution claim? If you have answered "Yes" only to questions 17 and 18, you must award nominal damages not to exceed one dollar.

\$ \_\_\_\_\_

***Once you have determined the amount of damages due to Daniel Parker, please proceed to Question 21.***



**Plaintiff Yves Delpeche's Claims**

**Excessive Force Claim Against Defendant Bosan**

21) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan used an unreasonable amount of force against Yves Delpeche under the circumstances at the time of his arrest?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒

*If you answered "Yes" to Question 21, please proceed to Question 22. If you answered "No" to Question 21, please proceed to Question 23.*

22) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan's use of force proximately caused injury to Yves Delpeche?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*Please go to Question 23.*

**Assault and Battery Claims Against Defendant Bosan**

23) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan committed an assault against Yves Delpeche?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒

*Please go to Question 24.*

24) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan committed a battery against Yves Delpeche?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒

*Please go to Question 25.*

**False Arrest Claim Against Defendant Bosan**

25) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan falsely arrested Yves Delpeche?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒

*If you answered "Yes" to Question 25, please proceed to Question 26. If you answered "No" to Question 25, please proceed to Question 27.*

26) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan's false arrest of Yves Delpeche proximately caused injury to Yves Delpeche?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*Please go to Question 27.*

**Malicious Prosecution Claim Against Defendant Bosan**

27) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan prosecuted Yves Delpeche without probable cause?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒

*If you answered "Yes" to Question 27, please proceed to Question 28. If you answered "No" to Question 27, please proceed to Question 30.*

28) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan acted with malice in prosecuting Yves Delpeche?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*If you answered "Yes" to Question 28, please proceed to Question 29. If you answered "No" to Question 28, please proceed to Question 30.*

29) Do you find, by a preponderance of the evidence, that Defendant Brian Bosan's prosecution of Yves Delpeche proximately caused injury to Yves Delpeche?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

***If you answered "No" to questions 21, 22, 23, 24, 25, 26, 27, 28, and 29 please proceed to Question 31. If you answered "Yes" to any or all of questions 21, 22, 23, 24, 25, 26, 27, 28, or 29, please go to Question 30.***

**Damages Against Defendant Brian Bosan and the County of Westchester**

30) If you answered "Yes" to Questions 21, 22, 23, 24, 25, 26, 27, 28, or 29 you must now determine the amount of money that will compensate Plaintiff Yves Delpeche for the harm that he suffered based on the acts of Defendant Brian Bosan.

If you have answered "Yes" to questions 25 and 26, in what amount do you award damages to Plaintiff Yves Delpeche against Brian Bosan and the County of Westchester for his false arrest claim? If you have answered "Yes" only to question 25, you must award nominal damages in an amount not to exceed one dollar.

\$ \_\_\_\_\_

If you have answered "Yes" to question 25 and 26, and/or 23 and/or 24, in what amount do you award damages to Plaintiff Yves Delpeche against Brian Bosan and the County of Westchester for his assault and battery claims?

\$ \_\_\_\_\_

If you have answered "Yes" to questions 21 and 22, in what amount do you award damages to Plaintiff Yves Delpeche against Brian Bosan for his excessive force claim? If you have answered "Yes" only to question 21, you must award nominal damages in an amount not to exceed one dollar.

\$ \_\_\_\_\_

If you have answered "Yes" to questions 27, 28, and 29, in what amount do you award damages to Plaintiff Yves Delpeche against Brian Bosan and the County of Westchester for his malicious prosecution claim? If you have answered "Yes" only to questions 27 and 28, you must award nominal damages in an amount not to exceed one dollar.

\$ \_\_\_\_\_

***Once you have determined the amount of damages due to Yves Delpeche, please proceed to Question 31.***

**Plaintiff Joseph Garcia's Claims**

**Excessive Force Claim Against Defendant Cusano**

31) Do you find, by a preponderance of the evidence, that Defendant Paul Cusano used an unreasonable amount of force against Joseph Garcia under the circumstances at the time of his arrest?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒ \_\_\_\_\_

*If you answered "Yes" to Question 31, please proceed to Question 32. If you answered "No" to Question 31, please proceed to Question 33.*

32) Do you find, by a preponderance of the evidence, that Defendant Paul Cusano's use of force proximately caused injury to Joseph Garcia?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*Please go to Question 33.*

**Assault and Battery Claims Against Defendant Cusano**

33) Do you find, by a preponderance of the evidence, that Defendant Paul Cusano committed an assault against Joseph Garcia?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒ \_\_\_\_\_

*Please go to Question 34.*

34) Do you find, by a preponderance of the evidence, that Defendant Paul Cusano committed a battery against Joseph Garcia?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒ \_\_\_\_\_

*Please go to Question 35.*

**Malicious Prosecution Claim Against Defendant Cusano**

35) Do you find, by a preponderance of the evidence, that Defendant Paul Cusano prosecuted Joseph Garcia without probable cause?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒

*If you answered "Yes" to Question 35, please proceed to Question 36. If you answered "No" to Question 35, please proceed to Question 38.*

36) Do you find, by a preponderance of the evidence, that Defendant Paul Cusano acted with malice in prosecuting Joseph Garcia?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*If you answered "Yes" to Question 36, please proceed to Question 37. If you answered "No" to Question 36, please proceed to Question 38.*

37) Do you find, by a preponderance of the evidence, that Defendant Paul Cusano's prosecution of Joseph Garcia proximately caused injury to Joseph Garcia?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*If you answered "No" to questions 31, 32, 33, 34, 35, 36, and 37 please proceed to Question 39. If you answered "Yes" to any or all of questions 31, 32, 33, 34, 35, 36, or 37, please go to Question 38.*

**Damages Against Defendant Paul Cusano and the County of Westchester**

38) If you answered "Yes" to Questions 31, 32, 33, 34, 35, 36, or 37, you must now determine the amount of money that will compensate Plaintiff Joseph Garcia for the harm that he suffered based on the acts of Defendant Paul Cusano.

If you have answered "Yes" to questions 31 and 32, and/or 33, and/or 34, in what amount do you award damages to Plaintiff Joseph Garcia against Paul Cusano? If you have answered "Yes" only to question 31, you must award nominal damages not to exceed one dollar.

\$ \_\_\_\_\_

If you have answered “Yes” to questions 35, 36, and 37, in what amount do you award damages to Plaintiff Joseph Garcia against Paul Cusano and the County of Westchester for his malicious prosecution claim? If you have answered “Yes” only to questions 35 and 36, you must award nominal damages not to exceed one dollar.

\$ \_\_\_\_\_

*Once you have determined the amount of damages due to Joseph Garcia, please proceed to Question 39.*

**Plaintiff Joseph Romanick's Claims**

**Excessive Force Claim Against Defendant Winsman**

39) Do you find, by a preponderance of the evidence, that Defendant George Winsman used an unreasonable amount of force against Joseph Romanick under the circumstances at the time of his arrest?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒ \_\_\_\_\_

*If you answered "Yes" to Question 39, please proceed to Question 40. If you answered "No" to Question 39, please proceed to Question 41.*

40) Do you find, by a preponderance of the evidence, that Defendant George Winsman's use of force proximately caused injury to Joseph Romanick?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*Please go to Question 41.*

**Assault and Battery Claims Against Defendant Winsman**

41) Do you find, by a preponderance of the evidence, that Defendant George Winsman committed an assault against Joseph Romanick?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒ \_\_\_\_\_

*Please go to Question 42.*

42) Do you find, by a preponderance of the evidence, that Defendant George Winsman committed a battery against Joseph Romanick?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ☒ \_\_\_\_\_

*Please go to Question 43.*

*If you answered "No" to questions 39, 40, 41, and 42 please proceed to Question 44. If you answered "Yes" to any or all of questions 39, 40, 41, or 42, please go to Question 43.*

**Damages Against Defendant George Winsman and the County of Westchester**

43) If you answered "Yes" to Questions 39, 40, 41, and/or 42, you must now determine the amount of money that will compensate Plaintiff Joseph Romanick for the harm that he suffered based on the acts of Defendant George Winsman. In what amount do you award damages to Plaintiff Joseph Romanick against George Winsman? If you have answered "Yes" only to question 39, you must award nominal damages not to exceed one dollar.

\$ \_\_\_\_\_

*Once you have determined the amount of damages due to Joseph Romanick, please proceed to Question 44.*



**Plaintiff Rebecca Gallo's Claims**

**Assault Claims Against Defendant Castagna**

44) Do you find, by a preponderance of the evidence, that Defendant Carl Castagna intended to place Rebecca Gallo in fear of imminent bodily injury?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ✓

*If you answered "Yes" to Question 44, please proceed to Question 45. If you answered "No" to Question 44, please proceed to Question 46.*

45) Do you find, by a preponderance of the evidence, that Defendant Carl Castagna, used an unreasonable amount of force against Rebecca Gallo under the circumstances?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*If you answered "No" to question 44 and 45, please proceed to Question 47. If you answered "Yes" to question 44 and 45, please go to Question 46.*

**Damages Against Defendant Carl Castagna and the Town of Mount Pleasant**

46) If you answered "Yes" to Questions 44 and 45, you must now determine the amount of money that will compensate Plaintiff Rebecca Gallo for the harm that she suffered based on the acts of Defendant Carl Castagna. In what amount do you award damages to Plaintiff Rebecca Gallo against Carl Castagna and the Town of Mount Pleasant?

\$ \_\_\_\_\_

*Once you have determined the amount of damages due to Rebecca Gallo, please proceed to Question 47.*

**Plaintiff Martin LaRoche's Claims**

**Assault Claims Against Defendant Castagna**

47) Do you find, by a preponderance of the evidence, that Defendant Carl Castagna intended to place Martin LaRoche in fear of imminent bodily injury?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: ✓

*If you answered "Yes" to Question 47, please proceed to Question 48. If you answered "No" to Question 47, please turn to the last page, sign, and return to the courtroom.*

48) Do you find, by a preponderance of the evidence, that Defendant Carl Castagna, used an unreasonable amount of force against Martin LaRoche under the circumstances?

*Choose only one answer.*

Yes: \_\_\_\_\_ No: \_\_\_\_\_

*If you answered "No" to question 48, please turn to the last page, sign, and return to the courtroom. If you answered "Yes" to question 48, please go to Question 49.*

**Damages Against Defendant Carl Castagna and the Town of Mount Pleasant**

49) If you answered "Yes" to Question 47 and 48, you must now determine the amount of money that will compensate Plaintiff Martin LaRoche for the harm that he suffered based on the acts of Defendant Carl Castagna. In what amount do you award damages to Plaintiff Martin LaRoche against Carl Castagna and the Town of Mount Pleasant?

\$ \_\_\_\_\_

*Once you have reached a unanimous decision, the jury foreperson should date and sign this form.  
You should then notify the Court that a decision has been reached.*

June 14<sup>th</sup>, 2018

  
\_\_\_\_\_  
**JURY FOREPERSON**